

EXHIBIT MCR-10

Case No. 27-CR-23-1886
State of MN vs MATTHEW DAVID GUERTIN
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2024-12-30**
117__Objection-to-Competency-Evaluation__2024-12-30.pdf
File Hash: a9e17e12d9c8f284543902b65037dbd96d520041fea1eed20fd28146e1486c3e
Page: 1 of 2

27-CR-23-1886

Filed in District Court
State of Minnesota
12/30/2024 7:37 PM

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Court File Nos.: 27-CR-23-1886

State of Minnesota,

Plaintiff,

vs.

Matthew David Guertin,

Defendant.

**NOTICE OF OBJECTION
AND
OBJECTION TO
COMPETENCY REPORT**

TO: THE HONORABLE JAY QUAM, JUDGE OF DISTRICT COURT; MARY F. MORIARTY, HENNEPIN COUNTY ATTORNEY; AND THOMAS MANEWITZ, ASSISTANT HENNEPIN COUNTY ATTORNEY, C2100 GOVERNMENT CENTER, 300 SOUTH SIXTH STREET, MINNEAPOLIS, MN 55487.

NOTICE OF OBJECTION AND OBJECTION

PLEASE TAKE NOTICE that Mr. Matthew David Guertin objects to the competency report and requests that a hearing be held pursuant to Minn. R. Crim. P. 20.01, subd. 5(a)(1) (effective in 2023 when competency examination first ordered) and Minn. Stat. § 611.46, subd. 7 (effective July 1, 2024).

On December 20, 2024, a Rule 20 Evaluation Report was filed. In the report, Katheryn Cranbrook opined that Mr. Guertin failed to participate in the competency evaluation due to mental illness. The report was served on Mr. Guertin’s attorney on December 20, 2024. The defense now files this written objection and requests that a hearing be held to contest the examiner’s opinion.

Respectfully submitted,

LAW OFFICE OF THE HENNEPIN COUNTY
PUBLIC DEFENDER
FOURTH JUDICIAL DISTRICT

By:

Case No. 27-CR-23-21653
State of MN vs ROBERT WILLIAM BALSIMO
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2023-10-27**
MCRO_27-CR-23-21653_Notice of Motion and Motion_2023-10-27_20240430075014.pdf
File Hash: 00288ea2a7f10d805f19cd48b1ef3022509db02932cae51d0244de4d54018d60
Page: 1 of 2

27-CR-23-21653

Filed in District Court
State of Minnesota
10/27/2023 4:29 PM

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Court File No.: 27-CR-23-21653

State of Minnesota,

Plaintiff,

vs.

Robert William Balsimo,

Defendant.

**NOTICE OF MOTION AND
MOTION TO MODIFY
CONDITIONS OF RELEASE**

TO: THE HONORABLE LISA K. JANZEN, JUDGE OF DISTRICT COURT; MARY F. MORIARTY, HENNEPIN COUNTY ATTORNEY; AND ISAIAH ELLISON, ASSISTANT HENNEPIN COUNTY ATTORNEY, C2100 GOVERNMENT CENTER, 300 SOUTH SIXTH STREET, MINNEAPOLIS, MN 55487.

NOTICE OF MOTION AND MOTION TO MODIFY CONDITIONS OF RELEASE

PLEASE TAKE NOTICE that as soon as counsel may be heard, Mr. Robert William Balsimo, by and through the below-signed attorney, will move this court for an order modifying his conditions of release.

Pursuant to Minn. R. Crim. P. 6.02, subd. 4,¹ “[t]he court must review conditions of release on request of any party.” Mr. Balsimo requests that the Court schedule an appearance for him to be heard on the conditions of his release.

Respectfully submitted,

LAW OFFICE OF THE HENNEPIN COUNTY
PUBLIC DEFENDER
FOURTH JUDICIAL DISTRICT

¹ When a criminal case is suspended pursuant to Minn. R. Crim. P. 20.01, the Court still retains authority over the criminal case, including over bail and conditions of release. Minn. R. Crim. P. 20.01, subd. 3(c).

Case No. 27-CR-23-21653
State of MN vs ROBERT WILLIAM BALSIMO
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2023-12-12**
MCRO_27-CR-23-21653_Notice of Motion and Motion_2023-12-12_20240430075010.pdf
File Hash: eb204718e032cb92942e7a049a11004f9653040c11edf916e3fca5a43eaa58c4
Page: 1 of 2

27-CR-23-21653

Filed in District Court
State of Minnesota
12/12/2023 5:49 PM

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Court File No.: 27-CR-23-21653

State of Minnesota,

Plaintiff,

vs.

Robert William Balsimo,

Defendant.

**NOTICE OF MOTION AND
MOTION TO MODIFY
CONDITIONS OF RELEASE**

TO: THE HONORABLE LISA K. JANZEN, JUDGE OF DISTRICT COURT; MARY F. MORIARTY, HENNEPIN COUNTY ATTORNEY; AND ISAIAH ELLISON, ASSISTANT HENNEPIN COUNTY ATTORNEY, C2100 GOVERNMENT CENTER, 300 SOUTH SIXTH STREET, MINNEAPOLIS, MN 55487.

NOTICE OF MOTION AND MOTION TO MODIFY CONDITIONS OF RELEASE

PLEASE TAKE NOTICE that as soon as counsel may be heard, Mr. Robert William Balsimo, by and through the below-signed attorney, will move this court for an order modifying his conditions of release.

Pursuant to Minn. R. Crim. P. 6.02, subd. 4,¹ “[t]he court must review conditions of release on request of any party.” Mr. Balsimo requests that the Court schedule an appearance for him to be heard on the conditions of his release.

Respectfully submitted,

LAW OFFICE OF THE HENNEPIN COUNTY
PUBLIC DEFENDER
FOURTH JUDICIAL DISTRICT

¹ When a criminal case is suspended pursuant to Minn. R. Crim. P. 20.01, the Court still retains authority over the criminal case, including over bail and conditions of release. Minn. R. Crim. P. 20.01, subd. 3(c).

Case No. 27-CR-23-1886
State of MN vs MATTHEW DAVID GUERTIN
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117__Objection-to-Competency-Evaluation__2024-12-30.pdf
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Case No. 27-CR-23-21653
State of MN vs ROBERT WILLIAM BALSIMO
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MCRO_27-CR-23-21653_Notice of Motion and Motion_2023-10-27_20240430075014.pdf
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Page: 2 of 2

Case No. 27-CR-23-21653
State of MN vs ROBERT WILLIAM BALSIMO
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MCRO_27-CR-23-21653_Notice of Motion and Motion_2023-12-12_20240430075010.pdf
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Page: 2 of 2

27-CR-23-1886

Filed in District Court
State of Minnesota
12/30/2024 7:37 PM

Date: December 30, 2024



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2

27-CR-23-21653

Filed in District Court
State of Minnesota
10/27/2023 4:29 PM

By:

Date: October 27, 2023



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2

27-CR-23-21653

Filed in District Court
State of Minnesota
12/12/2023 5:49 PM

By:

Date: December 12, 2023



Raissa R. Carpenter (#0396413)
Assistant Public Defender
Hennepin County Public Defender’s Office
701 Fourth Avenue South, Suite 1400
Minneapolis, MN 55415-1600
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2

Case No. 27-CR-17-1555
State of MN vs ADRIAN MICHAEL WESLEY
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2020-01-23**
MCRO_27-CR-17-1555_Notice of Motion and Motion_2020-01-23_20240430093554.pdf
File Hash: 69951cc4d697350512a1d32a43ff612139d634265afb1ca597f29faf5977582e
Page: 1 of 2

27-CR-17-1555

Filed in District Court
State of Minnesota
1/23/2020 9:24 AM

STATE OF MINNESOTA DISTRICT COURT
COUNTY OF HENNEPIN FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Court Case No. 27-CR-17-1555;
27-CR-17-22909; and 27-CR-17-8342

Adrian Michael Wesley,

Defendant.
TO: JUDGE OF DISTRICT COURT, ATTORNEY FOR THE DEFENDANT, and DEFENDANT.

PLEASE TAKE NOTICE that the State hereby moves the Court for the following relief:

For an Order directing the Forensic Mental Health Program in St. Peter to produce to Counsel copies of records relied upon in preparing the Competency Evaluation dated 10/1/2019, in the above-captioned matters. This request does not include police reports, court records, and previous competency evaluations as identified in lines 1-16 of the enumerated Information Sources section of the report, since Counsel already has access to those items.

MOTION

On October 2, 2019, a Competency Evaluation was filed in District Court relating to the above captioned cases. In that report, the Examiner, Dr. Jason Lewis, opined that Mr. Wesley has regained competency to proceed in this matter. Defendant has demanded a hearing to challenge that finding. The hearing is scheduled for February 10, 2020. The State has reached out to the forensic services division at the State Hospital in St. Peter to request copies of documents that Dr. Lewis relied upon in preparing the evaluation, and was advised that a Court Order would be required to release the records. Copies of these records are required to prepare for and proceed with the competency hearing. Therefore, the State requests that the Court enter an Order permitting release of the requested records to the parties in this matter.

I have conferred with counsel for the Defense, Julius Nolen, and he does not object to this motion.

Case No. 27-CR-17-22909
State of MN vs ADRIAN MICHAEL WESLEY
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2020-01-23**
MCRO_27-CR-17-22909_Notice of Motion and Motion_2020-01-23_20240430093730.pdf
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Page: 1 of 2

27-CR-17-22909

Filed in District Court
State of Minnesota
1/23/2020 9:29 AM

STATE OF MINNESOTA DISTRICT COURT
COUNTY OF HENNEPIN FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Court Case No. 27-CR-17-1555;
27-CR-17-22909; and 27-CR-17-8342

Adrian Michael Wesley,

Defendant.
TO: JUDGE OF DISTRICT COURT, ATTORNEY FOR THE DEFENDANT, and DEFENDANT.

PLEASE TAKE NOTICE that the State hereby moves the Court for the following relief:

For an Order directing the Forensic Mental Health Program in St. Peter to produce to Counsel copies of records relied upon in preparing the Competency Evaluation dated 10/1/2019, in the above-captioned matters. This request does not include police reports, court records, and previous competency evaluations as identified in lines 1-16 of the enumerated Information Sources section of the report, since Counsel already has access to those items.

MOTION

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I have conferred with counsel for the Defense, Julius Nolen, and he does not object to this motion.

Case No. 27-CR-17-8342
State of MN vs ADRIAN MICHAEL WESLEY
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2020-01-23**
MCRO_27-CR-17-8342_Notice of Motion and Motion_2020-01-23_20240430093649.pdf
File Hash: 0c199b0ce011e5eff3cde19fc2eb065e8f8233d9b5b00cd1ccdee089e3ca7bdf
Page: 1 of 2

27-CR-17-8342

Filed in District Court
State of Minnesota
1/23/2020 9:34 AM

STATE OF MINNESOTA DISTRICT COURT
COUNTY OF HENNEPIN FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Court Case No. 27-CR-17-1555;
27-CR-17-22909; and 27-CR-17-8342

Adrian Michael Wesley,

Defendant.
TO: JUDGE OF DISTRICT COURT, ATTORNEY FOR THE DEFENDANT, and DEFENDANT.

PLEASE TAKE NOTICE that the State hereby moves the Court for the following relief:

For an Order directing the Forensic Mental Health Program in St. Peter to produce to Counsel copies of records relied upon in preparing the Competency Evaluation dated 10/1/2019, in the above-captioned matters. This request does not include police reports, court records, and previous competency evaluations as identified in lines 1-16 of the enumerated Information Sources section of the report, since Counsel already has access to those items.

MOTION

On October 2, 2019, a Competency Evaluation was filed in District Court relating to the above captioned cases. In that report, the Examiner, Dr. Jason Lewis, opined that Mr. Wesley has regained competency to proceed in this matter. Defendant has demanded a hearing to challenge that finding. The hearing is scheduled for February 10, 2020. The State has reached out to the forensic services division at the State Hospital in St. Peter to request copies of documents that Dr. Lewis relied upon in preparing the evaluation, and was advised that a Court Order would be required to release the records. Copies of these records are required to prepare for and proceed with the competency hearing. Therefore, the State requests that the Court enter an Order permitting release of the requested records to the parties in this matter.

I have conferred with counsel for the Defense, Julius Nolen, and he does not object to this motion.

Case No. 27-CR-17-1555
State of MN vs ADRIAN MICHAEL WESLEY
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2020-01-23**
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Page: 2 of 2

Case No. 27-CR-17-22909
State of MN vs ADRIAN MICHAEL WESLEY
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2020-01-23**
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Page: 2 of 2

Case No. 27-CR-17-8342
State of MN vs ADRIAN MICHAEL WESLEY
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2020-01-23**
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Page: 2 of 2


27-CR-17-1555

Filed in District Court
State of Minnesota
1/23/2020 9:24 AM

Date: January 23, 2020

Respectfully submitted,

MICHAEL O. FREEMAN
Hennepin County Attorney



Anna Petosky (#388163)
Assistant County Attorney
C2100 GOVERNMENT CENTER
300 SOUTH SIXTH STREET
Minneapolis, MN 55487
Telephone: 612-348-4101

Page 2 of 4


27-CR-17-22909

Filed in District Court
State of Minnesota
1/23/2020 9:29 AM

Date: January 23, 2020

Respectfully submitted,

MICHAEL O. FREEMAN
Hennepin County Attorney



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27-CR-17-8342

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MICHAEL O. FREEMAN
Hennepin County Attorney



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Minneapolis, MN 55487
Telephone: 612-348-4101

Page 2 of 4

Case No. 27-CR-18-18391
State of MN vs AESHA IBRAHIM OSMAN
Filing Type: ·Notice of Motion and Motion·
Filing Date: 2019-06-17
MCRO_27-CR-18-18391_Notice of Motion and Motion_2019-06-17_20240430092807.pdf
File Hash: 97283ad5bf4f3e873744900276d2d9c4b8871d679ab1a3d2ad7dce800d7adce7
Page: 1 of 2

Case No. 27-CR-21-17008
State of MN vs NICOLLE LYNN FAWCETT
Filing Type: ·Notice of Motion and Motion·
Filing Date: 2023-01-30
MCRO_27-CR-21-17008_Notice of Motion and Motion_2023-01-30_20240430082737.pdf
File Hash: bf5fe9dcc90a5f745f7db1e609ef1818ed0857be05dc23eea42a3862e7ba61e2
Page: 1 of 2

Case No. 27-CR-23-3459
State of MN vs MUAD ABDULKADIR
Filing Type: ·Notice of Motion and Motion·
Filing Date: 2023-04-17
MCRO_27-CR-23-3459_Notice of Motion and Motion_2023-04-17_20240430072905.pdf
File Hash: 1b28c8d4353151fc559a5f114fb8204f6ba27aabfc61fe1119e21cd9a31d8abf
Page: 1 of 2

27-CR-18-18391

Filed in District Court
State of Minnesota
6/17/2019 12:12 PM

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Criminal

State of Minnesota,

Plaintiff,

NOTICE OF MOTION AND MOTION

Court File No.: 27-CR-18-18391

vs.

Aesha Ibrahim Osman,

Defendant,

TO: The Honorable Judge of Hennepin County District Court and the State of Minnesota,

Hennepin County Attorney:

NOTICE OF MOTION

PLEASE TAKE NOTICE, that at the hearing to be scheduled by Court Administration

at Hennepin County District Courthouse located at 300 South 6th Street, Minneapolis, MN

55487 before the Honorable, Judge of the above-named Court, Defendant, by and through his

undersigned attorney, will move the court for the relief as follows, to wit:

MOTION

DEFENDANT HEREBY MOVES, pursuant to Rule 17.06 of the Minnesota Rules of

Criminal Procedure (2017), for an order:

1. Granting Bail Bond’s Doctor Motion for hearing and reconsideration of Order for

Reinstatement and Discharge of Bail Bon Power No.: FCS25-1875596.

27-CR-21-17008

Filed in District Court
State of Minnesota
1/30/2023 2:52 PM

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

STATE’S NOTICE OF MOTION AND MOTION

Court Case No. 27-CR-21-17008
C.A. Case No. 21A07732

vs.

NICOLLE LYNN FAWCETT,

Defendant.

NOTICE

TO: THE COURT AND COUNSEL FOR THE ABOVE-NAMED DEFENDANT

PLEASE TAKE NOTICE that on January 30, 2023, at 9:00 a.m., or as soon thereafter as

counsel may be heard, before the Honorable Luis Bartolomei, Judge of District Court, the State

will move the Court for the following Motions in Limine:

MOTIONS

The State of Minnesota hereby moves the Court for an Order granting the following:

1. Allowing the State to offer expert testimony from one or more witnesses on the State’s

witness list about possession with intent to distribute, including personal use amounts,

value, and instrumentalities of sale.

Authority: MINN. R. CRIM. P. 9.01; MINN. R. Evid. 702; State v. White, 332 N.W.2d 910,

912 (Minn. 1983); State v. Collard, 414 N.W.2d 733 (Minn. Ct. App. 1987).

2. Allowing the State to introduce evidence of surveillance conducted by law enforcement

as intrinsic evidence, or in the alternative, as Spreigl evidence.

Authority: MINN. R. CRIM. P. 401-404(b); State v. Hollins, 765 N.W.2d 125, 132 (Minn.

Ct. App. 2009); State v. Griller, 582 N.W.2d 736, 743 (Minn. 1998); State v. Wofford, 262

Minn. 112, 118 (Minn. 1962).

27-CR-23-3459

Filed in District Court
State of Minnesota
4/17/2023 4:10 PM

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

NOTICE OF MOTION AND MOTION

District Court No. 27-CR-23-3459
27-CR-23-3460

vs.

Muad Abdulkadir,

Defendant.

TO: THE STATE OF MINNESOTA, THE ABOVE NAMED PLAINTIFF, and the Hennepin

County Attorney, Hennepin County Government Center, 300 South 6th St, Minneapolis, MN

55487

YOU ARE HEREBY NOTIFIED THAT on April 18, 2023 at 1:30 p.m. or on a date to be

set by the Court, at the Hennepin County Courthouse, 300 South 6th Street, Minneapolis, MN

55487, before the Hon. Judge Skibbie of the Hennepin County District Court, the Defendant will

move for the relief requested in the attached Motion.

-1-

Case No. 27-CR-18-18391
State of MN vs AESHA IBRAHIM OSMAN
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2019-06-17**
MCRO_27-CR-18-18391_Notice of Motion and Motion_2019-06-17_20240430092807.pdf
File Hash: 97283ad5bf4f3e873744900276d2d9c4b8871d679ab1a3d2ad7dce800d7adce7
Page: 2 of 2

Case No. 27-CR-21-17008
State of MN vs NICOLLE LYNN FAWCETT
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2023-01-30**
MCRO_27-CR-21-17008_Notice of Motion and Motion_2023-01-30_20240430082737.pdf
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Page: 2 of 2

Case No. 27-CR-23-3459
State of MN vs MUAD ABDULKADIR
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2023-04-17**
MCRO_27-CR-23-3459_Notice of Motion and Motion_2023-04-17_20240430072905.pdf
File Hash: 1b28c8d4353151fc559a5f114fb8204f6ba27aabfc61fe1119e21cd9a31d8abf
Page: 2 of 2

27-CR-18-18391

Filed in District Court
State of Minnesota
6/17/2019 12:12 PM

2.

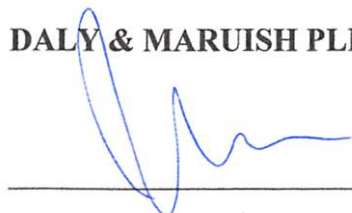
For such other relief as this court finds fair just and equitable.

The motion is made on all the files, records and proceedings herein.

Respectfully submitted,

DALY & MARUISH PLLP

Dated: 6/12/2019



John T. Daly

MN#: 0393605

333 South Seventh Street, Suite 2850

Minneapolis, MN 55402

Telephone: (612) 298-7136

E-mail: Daly@DalyMaruish.com

ATTORNEY FOR BAIL BONDS DOCTOR

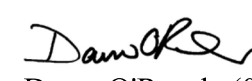
27-CR-21-17008

Filed in District Court
State of Minnesota
1/30/2023 2:52 PM

Respectfully submitted,

MARY F. MORIARTY

Hennepin County Attorney

 01/30/2023

Dawn O'Rourke(0388150)

Assistant County Attorney

C2300 Government Center

300 South Sixth Street

Minneapolis, MN 55487

Telephone: 612-543-4624

27-CR-23-3459

Filed in District Court
State of Minnesota
4/17/2023 4:10 PM

MOTION:

Defendant above hereby moves the Court to vacate the finding of incompetency

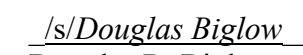
and schedule the matter for a contested competency hearing. This motion is based on the

Defendant’s lack of opportunity to object to the findings at the last hearings and upon *State v.*

Thompson, No. A22-0737 (Minn. Ct. App. Mar. 20. 2023).

Dated: April 17, 2023.

Respectfully submitted,



Douglas R. Biglow

Attorney for Defendant

895 TriTech Office Center

331 Second Avenue South

Minneapolis, MN 55401

(612) 238-4789

Atty. Reg.#0393552

-2-

Case No. 27-CR-21-1171
State of MN vs IBSSA M YOUSSUF
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2023-02-08**
MCRO_27-CR-21-1171_Notice of Motion and Motion_2023-02-08_20240430075323.pdf
File Hash: 9e40e92b289acd74bcf381b4294754f3729e1383154665c5002ad4a3ac3e7ba8
Page: 1 of 1

Case No. 27-CR-21-1230
State of MN vs MAKIS DEVELL LANE
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2022-10-17**
MCRO_27-CR-21-1230_Notice of Motion and Motion_2022-10-17_20240430075438.pdf
File Hash: 64b7636c44ca6278454177eabfbd395883e7aba0d5a6b05016d2b2830a5bcbcd
Page: 1 of 1

Case No. 27-CR-23-3198
State of MN vs AARON DASHAUN CHERRY
Filing Type: ·Notice of Motion and Motion·
Filing Date: **2023-12-15**
MCRO_27-CR-23-3198_Notice of Motion and Motion_2023-12-15_20240430072730.pdf
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Page: 1 of 1

27-CR-21-1171

Filed in District Court
State of Minnesota
2/8/2023 6:29 PM

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Court File No.: 27-CR-21-1171

State of Minnesota,

Plaintiff,

vs.

NOTICE OF MOTION
AND MOTION TO DISMISS

Ibssa Youssuf,

Defendant.

TO: THE HONORABLE JAY QUAM, JUDGE OF DISTRICT COURT; MARY MORIARTY, HENNEPIN COUNTY ATTORNEY; AND CHRISTOPHER FILIPSKI, ASSISTANT HENNEPIN COUNTY ATTORNEY, C2100 GOVERNMENT CENTER, 300 SOUTH SIXTH STREET, MINNEAPOLIS, MN 55487.

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that on February 21, 2023 at 9:00 a.m. or as soon thereafter as counsel may be heard, Mr. Ibssa Youssuf, by and through the below-signed attorney, will move this court, pursuant to Minn. R. Crim. P. 11.02(a), for:

1. An order dismissing Count One for lack of probable cause to proceed to trial. State v. Florence, 239 N.W.2d 892 (Minn. 1976).

2. Such other relief as the Court deems just and proper.

Respectfully submitted,

OFFICE OF THE HENNEPIN COUNTY PUBLIC DEFENDER
LISA M. LOPEZ – FIRST ASSISTANT PUBLIC DEFENDER

Date: February 8, 2023

By: /s/ Lynne McMullen (#0403925)
Assistant Public Defender
Hennepin County Public Defender’s Office
701 Fourth Avenue South, Suite 1400
Minneapolis, MN 55415-1600
Office: 612-348-2056
Fax: (612) 348-6179
Email: lynne.mcmullen@hennepin.us

27-CR-21-1230

Filed in District Court
State of Minnesota
10/17/2022 7:44 AM

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

STATE’S NOTICE OF MOTION
AND MOTION

MAKIS DEVELL LANE,

Defendant.

TO: THE COURT AND COUNSEL FOR THE ABOVE-NAMED DEFENDANT:
PLEASE TAKE NOTICE that on October 24, 2022, at 9:00 a.m., or as soon thereafter as counsel may be heard, the State will move the Court as follows:

MOTION

The State of Minnesota hereby moves the Court for an Order allowing the State to impeach the above-named Defendant pursuant to Minnesota Rule of Evidence 609 with the following felony convictions:

Theft

27CR12-41913

Disposition Date: 7/9/2013

Second Degree Burglary

27CR11-29131

Disposition Date: 8/28/2012

Receiving Stolen Property

27CR14-21935

Disposition Date: 10/22/2014

Fifth Degree Drug Possession

27CR17-12797

Disposition Date: 12/20/2017

Fifth Degree Drug Possession

27CR18-14165

Disposition Date: 7/31/2018

Fifth Degree Drug Possession

27CR18-20479

Disposition Date: 11/19/2018

Fifth Degree Drug Possession

27CR17-8282

Disposition Date: 3/11/2019

Fifth Degree Drug Possession

27CR18-7406

Disposition Date: 6/14/2018

Respectfully submitted,

MICHAEL O. FREEMAN
Hennepin County Attorney

N. Summers 10/14/2022
Nate Summers 0402024
Assistant County Attorney
C2300 Government Center
300 S Sixth Street
Minneapolis, MN 55487
Telephone: 612-275-9257

27-CR-23-3198

Filed in District Court
State of Minnesota
12/15/2023 3:53 PM

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

STATE’S NOTICE OF MOTION
AND MOTION

Aaron Dashaun Cherry,

Defendant.

TO: THE COURT AND COUNSEL FOR THE ABOVE-NAMED DEFENDANT
PLEASE TAKE NOTICE that as soon thereafter as counsel may be heard, before the Honorable Judge Dayton-Klein, Judge of District Court, the State will move the Court for a Motion to reconsider the finding of incompetence based on the fact that the finding of malingering has not been refuted and a conclusion of mutism is not a mental health diagnosis that provides for a determination of incompetence under the law. A further memorandum of law will follow at a later date, ahead of a hearing.

Respectfully submitted,

MARY F. MORIARTY
Hennepin County Attorney

Joshua Luger(0403384)
Assistant County Attorney
300 S 6th St
C2100
Minneapolis, MN 55487
Telephone: 612-596-6005

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EXHIBIT MCR-10 | p. 9

Case No. 27-CR-17-1555
State of MN vs ADRIAN MICHAEL WESLEY

Filing Type: ·Notice of Motion and Motion·
Filing Date: 2024-01-31
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Page: 1 of 4

27-CR-17-1555

Filed in District Court
State of Minnesota
1/31/2024 3:32 PM

STATE OF MINNESOTA DISTRICT COURT
COUNTY OF HENNEPIN FELONY DIVISION
FOURTH JUDICIAL DISTRICT

State of Minnesota,)
)
Plaintiff,)
)
-vs-) MNCIS Case Nos. 27-CR-17-1555
) and 27-CR-17-8342
)
Adrian Michael Wesley,)
)
Defendant.)

* * *

TO: THE COURT; THE HONORABLE DANIELLE MERCURIO, HENNEPIN
COUNTY JUDICIAL OFFICER; AND TOM ARNESON AND AMY BLAGOEV,
ASSISTANT HENNEPIN COUNTY ATTORNEYS.

NOTICE OF MOTION

PLEASE TAKE NOTICE that on Tuesday, February 13, 2024 at 1:30 p.m., or as
soon thereafter as counsel may be heard, Adrian Wesley, will seek the following relief:

MOTION

Adrian Wesley moves this court to dismiss this matter in the interests of justice
pursuant to Minnesota Statute Section 611.46, which states in relevant part, subd. 8 (d),
Counsel for the defendant may bring a motion to dismiss the proceedings in the interest of
justice at any stage of the proceedings.

Mr. Wesley was charged by complaint on January 19, 2017, and a Rule 20 evaluation
was ordered on January 20, 2017. Mr. Wesley has been found incompetent, without
objection, twelve times; on 2/21/17, 10/31/17, 5/1/18, 11/6/18, 5/7/19, 11/10/20, 5/11/21,
11/9/21, 5/6/22, 1/19/23, 7/10/23, and 1/9/24. In addition, he was once found incompetent by
Judge Janzen following a contested competency hearing, with Findings of Fact and
Conclusions of Law filed on 5/8/20. Mr. Wesley was confined in jail for 194 days in pretrial

Case No. 27-CR-17-8342
State of MN vs ADRIAN MICHAEL WESLEY

Filing Type: ·Notice of Motion and Motion·
Filing Date: 2024-01-31
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Page: 1 of 4

27-CR-17-8342

Filed in District Court
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1/31/2024 3:31 PM

STATE OF MINNESOTA DISTRICT COURT
COUNTY OF HENNEPIN FELONY DIVISION
FOURTH JUDICIAL DISTRICT

State of Minnesota,)
)
Plaintiff,)
)
-vs-) MNCIS Case Nos. 27-CR-17-1555
) and 27-CR-17-8342
)
Adrian Michael Wesley,)
)
Defendant.)

* * *

TO: THE COURT; THE HONORABLE DANIELLE MERCURIO, HENNEPIN
COUNTY JUDICIAL OFFICER; AND TOM ARNESON AND AMY BLAGOEV,
ASSISTANT HENNEPIN COUNTY ATTORNEYS.

NOTICE OF MOTION

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Counsel for the defendant may bring a motion to dismiss the proceedings in the interest of
justice at any stage of the proceedings.

Mr. Wesley was charged by complaint on January 19, 2017, and a Rule 20 evaluation
was ordered on January 20, 2017. Mr. Wesley has been found incompetent, without
objection, twelve times; on 2/21/17, 10/31/17, 5/1/18, 11/6/18, 5/7/19, 11/10/20, 5/11/21,
11/9/21, 5/6/22, 1/19/23, 7/10/23, and 1/9/24. In addition, he was once found incompetent by
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Conclusions of Law filed on 5/8/20. Mr. Wesley was confined in jail for 194 days in pretrial

Case No. 27-CR-21-933
State of MN vs DWAYNE ANTHONY BLEDSOE

Filing Type: ·Notice of Motion and Motion·
Filing Date: 2022-11-03
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27-CR-21-933

Filed in District Court
State of Minnesota
11/3/2022 1:55 PM

STATE OF MINNESOTA DISTRICT COURT
COUNTY OF HENNEPIN FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

Dwayne Anthony Bledsoe,

Defendant.

Court File No. 27-CR-21-933

TO: THE HONORABLE PAUL SCOGGIN, JUDGE OF DISTRICT COURT AND ERIN
STEPHENS, ASSISTANT HENNEPIN COUNTY ATTORNEYS.

BACKGROUND

The systemic exclusion of people of color from juries in Minnesota has been an issue that
was recognized almost three decades ago by then-Justice Alan Page. While that case involved
Hennepin County, the systematic exclusion of non-white jurors is rampant around the entire state.
In his special concurrence in *Hennepin County v. Perry*, Justice Page outlined clear, racially
discriminatory practices. He asserts the dangerous and harmful results of these practices and
suggests more inclusive tactics. However, the state then, just as it does now, ignored the Justice’s
pleas for reform and continued to engage in discriminatory jury selection practices. Indeed, his
words are better read than summarized:

While, on its face, the process used by Hennepin County to select grand jurors appears to be race-
neutral, it has, for some time, disproportionately excluded people of color from participating in one
of the most important and fundamental activities of our representative government. At some point,
a purportedly race-neutral process that perpetuates and reinforces inequality of opportunity...is no
different than a race-based process intended to produce the same result...

The compelling interest in including people of color in the justice system’s decision-making process
is starkly illustrated by the reactions of communities of color when they feel that they have been
excluded from the system... The riots that have taken place in those cities, while deplorable and
unacceptable, illustrate the frustrations of a segment of our society that feels alienated from and
excluded by the one branch of government whose singular purpose is the dispensation of fair and

Case No. 27-CR-17-1555
State of MN vs ADRIAN MICHAEL WESLEY
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Case No. 27-CR-17-8342
State of MN vs ADRIAN MICHAEL WESLEY
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Case No. 27-CR-21-933
State of MN vs DWAYNE ANTHONY BLEDSOE
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detention. Additionally, Mr. Wesley was pretrial confined in the hospital pursuant to a civil commitment for Mentally Ill and Dangerous. Mr. Wesley was pretrial confined between the jail and the hospital for 2571 days, and has been in custody of either law enforcement or human services since January 15, 2017. His next review for his civil commitment is set for December, 2025.	
Mr. Wesley has consistently been found incompetent since 2017. As such, the court made the determination that Mr. Wesley lacked the ability to move forward in the criminal process. In the last completed competency exam, dated January 3, 2023, Dr. Gregory Hanson provided a thorough recitation of the evaluative history of Mr. Wesley, and concluded that “(h)is prognosis for competency is poor.” Since that report was filed, the DHS has provided an opinion to the Court that “Mr. Wesley is incompetent and unrestorable”, and they have stopped providing competency evaluations regarding Mr. Wesley.	
While the state may have filed a notice of intent to prosecute when Mr. Wesley restored to competency, there is no longer a good faith basis to believe that Mr. Wesley can attain competency. The prior reports indicate that Mr. Wesley is deaf, and has been diagnosed with the following:	
Unspecified Schizophrenia Spectrum and Other Psychotic Disorder;	
Other Specified Neurodevelopmental Disorder Associated with Prenatal Alcohol Exposure and Language Deprivation;	
Intellectual Developmental Disorder, mild;	
Illiteracy and Low-Level Literacy.	
Furthermore, he has had the medical diagnosis of Fetal Alcohol Spectrum Disorder, which coupled with Mr. Wesley’s language impoverishment when young impacts “neuro-development in a fashion that results in persisting and permanent impairment to brain function related to communication.” Dr. Hanson report, Jan.3, 2023, p. 6-7. According to Dr. Hanson, the “kind of deficits in conceptual reasoning that Mr. Wesley demonstrates are	

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impartial justice... Public confidence in the integrity of the criminal system is essential for preserving community peace in trials involving race-related crimes...	
Our efforts to increase the number of people of color serving on grand juries will determine the future vitality of a criminal justice system inextricably linked to race. People of color must be included and must actually serve on grand juries if we are to continue to progress as a multiracial democracy. I believe it can be done.	
Perry, 561 N.W.2d at 897-901(Page, J., concurring)(internal citations and quotation omitted).	
NOTICE OF MOTION AND MOTION FOR DISCLOSURE	
PLEASE TAKE NOTICE that at a session of the above-named Court to be scheduled by the Court, Mr. Bledsoe , by and through counsel, will move the Court for the following:	
1. That the court vindicate Mr. Bledsoe’s rights under the Sixth Amendment to the U.S. Constitution and Article I, section 6 of the Minnesota Constitution, “to be tried by an impartial jury drawn from sources reflecting a fair cross section of the community.” Berghuis v. Smith, 559 U.S. 314, 319 (2010). “Trial by jury presupposes a jury drawn from a pool broadly representative of the community as well as impartial in a specific case.” Thiel v. Southern Pacific Co., 328 U.S. 217, 227 (1946) (Frankfurter, J., dissenting). Accordingly, the underrepresentation of a cognizable group in a petit jury venire can constitute a denial of the Fair Cross Section requirement of the Sixth Amendment. Taylor v. Louisiana, 419 U.S. 522, 531 (1975). There is no requirement that a defendant raising a fair cross-section claim must be a member of the group allegedly excluded from jury service. Ambrose v. Booker, 684 F.3d 638 (6 th Cir. 2012).	
2. That the Source Lists used to compile prospective jurors be supplemented with the names and addresses of Minnesota State Tax Filer, names, and addresses of those filing Certificates of Rent Paid.	
3. That the Jury Office be ordered to specifically locate and follow up with all persons who were mailed a summons for the jury pool from which potential jurors would be drawn in this case and who failed to respond to that summons or whose summons was returned as undeliverable.	
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Case No. 27-CR-17-1555
State of MN vs ADRIAN MICHAEL WESLEY

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State of MN vs ADRIAN MICHAEL WESLEY

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Case No. 27-CR-21-933
State of MN vs DWAYNE ANTHONY BLEDSOE

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not remedial through additional education or practice and have to do with the underlying neurodevelopmental structures of the brain that are permanent and ongoing. Report, p. 14.	
In his opinion, continued competency restoration efforts would not “result in any appreciable improvement in the defendant’s capacities.” <i>Id.</i>	
Given the history and reports, the complaints against Mr. Wesley should be dismissed. It is important to note that he has been in custody since the date of offense in January, 2017. Even if he were to be restored to competency and convicted, the amount of pretrial credit would satisfy the presumptive guideline sentence of 90 months. Knowing that he will not be restored to competency and will remain under civil commitment should be sufficient for the prosecution to recognize that further legal proceedings in criminal court are unnecessary and unjust.	
“The United States Supreme Court has stated that it would be cruel and unusual punishment to make the status of being mentally ill a crime.” <i>State v. Bauer</i> , 299 N.W.2d 493, 498-499 (1980); <i>citing, Robinson v. California</i> , 370 U.S. 660, 666 (1962).	
Pretrial commitment is “a significant deprivation of liberty that requires due process protection.” <i>Addington v. Texas</i> , 441 U.S. 418, 426 (1979). The Due Process Clause provides, “No state shall...deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend XIV, § 1; <i>see also</i> Minn. Const. Art. 1, § 7.	
In <i>Jackson v. Indiana</i> , the Supreme Court held that an incompetent defendant’s substantive due process rights are implicated when they are being held in pretrial detention. 406 U.S. 715, 738 (1972). There, the Court determined that “due process requires that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed.” <i>Id.</i> ; <i>see also Matter of Opiacha</i> , 943 N.W.2d 220, 226 (Minn. App. 2020) (citing this quoted language in <i>Jackson</i>).	
The aforementioned cases guide this court in recognizing that the history of pretrial detention and confinement is a due process issue, a constitutional issue and thus	

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The aforementioned cases guide this court in recognizing that the history of pretrial detention and confinement is a due process issue, a constitutional issue and thus	

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4. That the Jury Office be ordered to keep a full and accurate accounting of its efforts to locate and follow up with, or re-summons persons identified in Paragraph 3 above and provide that information to the Court and parties.	
5. That Mr. Bledsoe’s attorney be provided, under appropriate Protective Order, the names, ethnicity, dates of birth, addresses and other identifying information for all persons who were mailed a summons for the jury pool from which potential jurors would be drawn in this case. This includes undeliverable summons, responding persons, non-responding persons, persons deemed ineligible, and persons who requested or received an excuse from or deferral of service.	
6. That Mr. Bledsoe’s attorney be provided, under appropriate Protective Order, all notes, data, summaries, correspondence or other communication between any representative of the Jury Office and the persons identified in Paragraph 5 above as well as the reason for any ineligibility, excuse or deferral from jury service.	
7. That Mr. Bledsoe’s attorney be provided the racial breakdown of jurors that responded to jury summonses from the county from January 1, 2018 to present.	
8. The annual reports prepared and submitted by the county jury office to the Chief Judge as required by Rule 806(e) be provided to Mr. Bledsoe’s attorney (The “jury commission shall review the jury source list once every four years for its inclusiveness and the jury for its representativeness of the adult population in the county and reports the results to the chief judge of the judicial district.”). Jury Management Rule 806(e).	
A defendant raising a constitutional challenge is entitled to discovery. “Without inspection, a party almost invariably would be unable to determine whether he has a potentially meritorious jury challenge.” <i>Test v. United States</i> , 20 U.S. 28 (1975). The right to challenge the jury is empty without an attendant right to discovery because “[i]t would be virtually impossible for defendants	
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Case No. 27-CR-21-933

State of MN vs DWAYNE ANTHONY BLEDSOE

Filing Type: ·Notice of Motion and Motion·

Filing Date: 2022-11-03

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who are endeavoring to ascertain if a successful attack on the grand [or petit] jury selection process can be advanced if the facts necessary to prove a defect in the selection process are withheld.” *State v. Ciba – Geigy Corp.*, 240 N.J. Super. 511, 573 A.2d 944 (N.J. Super. A.D. 1990); *See, e.g., United States v. Royal*, 100 F. 3d 1019, 1025 (1st Cir. 1996). Only after such discovery is granted will defendants “be in a position to make informed decisions as to whether the jury selection process warrants challenge and as to whether they prefer trial by a representative jury or before the court.” *Gov’t of Canal Zone v. Davis*, 592 F.2d 887 (5th Cir. 1979).

The Supreme Court has made it clear that a defendant has a right to discovery if preparing a motion to challenge the composition of the jury. No other affirmative showing is required. *See Test v. United States*, 20 U.S. 28 (1975); *United States v. Stanko*, 528 F.3d 581 (8th Cir. 2008) (a litigant has essentially an unqualified right to inspect jury lists.).

Respectfully submitted,

OFFICE OF THE HENNEPIN COUNTY PUBLIC DEFENDER

By _____/s/_____
Tiffany C. Spoor (#0395765)
Assistant Public Defender
701 Fourth Avenue South, Suite 1400
Minneapolis, MN 55415

Dated: November 3, 2022

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